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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/542,864	05/16/2006	Tim Palmer	030705-187	8652
21839 7590 05/17/2010 BUCHANAN, INGERSOLL & ROONEY PC POST OFFICE BOX 1404 ALEXANDRIA, VA 22313-1404			EXAMINER DURHAM, NATHAN E	
			ART UNIT 3765	PAPER NUMBER
			NOTIFICATION DATE 05/17/2010	DELIVERY MODE ELECTRONIC

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

ADIPFDD@bipc.com  
offserv@bipc.com

<b>Office Action Summary</b>	Application No. 10/542,864	Applicant(s) PALMER ET AL.	
	Examiner NATHAN E. DURHAM	Art Unit 3765	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

**Period for Reply**

**A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.**

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 21 July 2005.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-9 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-9 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All    b) ☐ Some \*    c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date <u>7/21/2005</u> . | 6) <input type="checkbox"/> Other: _____  |

## **DETAILED ACTION**

### ***Information Disclosure Statement***

The information disclosure statement filed 21 July 2005 fails to comply with 37 CFR 1.98(a)(2), which requires a legible copy of each cited foreign patent document; each non-patent literature publication or that portion which caused it to be listed; and all other information or that portion which caused it to be listed. It has been placed in the application file, but the foreign patent documents referred to therein have not been considered.

### ***Drawings***

The subject matter of this application admits of illustration by a drawing to facilitate understanding of the invention. Note that the drawings of PCT/CH03/00820 were referenced for the purpose of this Office Action, however, the drawings appear to never have been filed for the present application (no drawings corresponding to those recited in the specification). Applicant is required to furnish a drawing under 37 CFR 1.81(c). No new matter may be introduced in the required drawing. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d).

### ***Claim Objections***

Claims 4, 5, 8 and 9 objected to because of the following informalities:

Art Unit: 3765

Claims 4 and 5 are objected to because of the applicant's recitation "said sensor" within these claims. The applicant is claiming "said sensor"; however, the applicant has previously defined two sensors using the phrase "a sensor" within parent claim 3. Accordingly, it is unclear to which sensor the applicant is referring within claims 4 and 5.

Claims 8 and 9 are currently considered depending from claim 3 (otherwise a 112, second paragraph rejection would be needed). The examiner suggests rewording the first lines of each claim to stay consistent with that of the other depending claims. For example, claim 8 should read "Apparatus according to claim 3, wherein different zones are provided to the physical data carrier, each comprising a different kind of information". Note that claim 9 should be similarly reworded.

Appropriate correction is required.

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-9 are rejected under 35 U.S.C. 102(b) as being anticipated by TODA (U.S. Patent 5,694,979).

Regarding claim 1, TODA discloses a method for detecting defects in a textile structure taking signals (light, current, voltage) from the textile structure (W) and processing the signals taken from the textile structure based on at least on parameters

Art Unit: 3765

( $V_1$ ,  $V_2$ ) (Fig. 1). TODA discloses the method comprising the step of depositing present parameters ( $V_1$ ,  $V_2$ ) in a readable representation on a physical data carrier (17, 18) (Fig. 1) (Col. 5, Lines 38-42). Note that the phrase "physical data carrier" is given its broadest reasonable interpretation. Value setting circuit (17 and 18) contains and transfer parameters (reference values  $V_1$ ,  $V_2$ ) and therefore is fully capable of being considered a physical data carrier. TODA discloses the step of reading parameters from said physical data carrier and storing the parameters (within comparator 16) for use when processing signals (voltage difference signal) taken from the textile substrate (Fig. 1) (Col. 5, Lines 29-53). TODA discloses presenting a textile structure (W) to be examined, detecting signals (light, current signals, voltage signals, voltage difference signal) from the textile structure, and processing signals (using comparator 16) taken from the textile structure using parameters stored on the physical data carrier (Fig. 1) (Col. 5, Lines 23-53).

Regarding claim 2, TODA discloses the parameters being represented by reference values  $V_1$  (positive value) and  $V_2$  (negative value), therefore the parameters are numeric or graphic (Fig. 4(c)).

Claims 3 and 4 are also rejected under 35 U.S.C. 102(b) by TODA for the same reasons as addressed above. Additionally, TODA discloses a sensor (2), a processing unit (15 and/or 16), an input/output unit (19) (note that output unit takes input from the comparator 16) and a physical data carrier (17, 18) (Fig. 1). Note that TODA has failed to further define a "sensor", therefore the term is given its broadest reasonable interpretation. Since the comparator (16) of TODA "reads present parameters from the

Art Unit: 3765

physical data carrier" (as claimed by the applicant) (Col. 5, Lines 38-41 of TODA), the comparator (16) is considered to comprise a "sensor". TODA discloses the processing unit comprising a processor (15 and/or 16), an input interface (used to allow input of current, voltage and/or reference values) and a store (as shown by use of the signals within comparator/difference calculator or as discussed within column 13, lines 28-32).

Regarding claim 5, TODA discloses the sensor (2) for reading signals from the textile structure (W) being a single sensor (Fig. 1) and the sensor (as defined by the comparator 16) for reading present parameters from the physical data carrier (17, 18) being a single sensor (Fig. 1).

Regarding claims 6 and 7, TODA discloses the physical data carrier being reference value setting circuits (17, 18) (Fig. 1). A "circuit" is electronic, therefore the circuit can be considered an "electronic memory device". The reference value setting circuit contains instructions (reference values) and a circuit can be considered a thin material (definition of a "sheet"), accordingly, the reference value setting circuits can be considered an "instruction sheet" given its broadest reasonable interpretation.

Regarding claims 8 and 9, TODA discloses the physical data carrier (17, 18) containing different zones (17 and 18) each comprising a different kind of information (negative, positive) (Fig. 1) (Col. 5, Lines 38-42).

### ***Conclusion***

The prior art made of record, as cited on attached PTO-892, and not relied upon is considered pertinent to applicant's disclosure.

Art Unit: 3765

Any inquiry concerning this communication or earlier communications from the examiner should be directed to NATHAN E. DURHAM whose telephone number is (571)272-8642. The examiner can normally be reached on Monday - Friday, 8:30 am - 5:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Gary L. Welch can be reached on (571) 272-4996. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

NED

/Nathan E Durham/  
Examiner, Art Unit 3765